

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2012-145667-001 DT

05/27/2014

HON. DAWN M. BERGIN

CLERK OF THE COURT

B. Navarro

Deputy

STATE OF ARIZONA

HUMBERTO R PRECIADO III

v.

RHETT LYNCH (001)

KAINE ROBERT FISHER

DANIEL J KAFFANA

DOB: July 26, 1989

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

SUSPENSION OF SENTENCE - UNSUPERVISED PROBATION

9:01 a.m.

State's Attorney:	Humberto R. Preciado, III
Defendant's Attorney:	Kaine Fisher and Daniel J. Kaffana
Defendant:	Present
Court Reporter:	Rochelle Dobbins

The Victim, Nicholas Flournoy, is present.

Frank Flournoy, the Victim's father, presents statements to the Court.

Nicholas Flournoy presents statements to the Court.

Restitution in the amount of \$2,956.01 is requested. The State requests that a restitution hearing for additional amounts be set.

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Lisa Lynch, the Defendant's mother, presents statements to the Court.

Randy Lynch, the Defendant's father, presents statements to the Court.

Dawn Edwards presents statements to the Court on behalf of the Defendant.

John Edwards presents statements to the Court on behalf of the Defendant.

Amanda Polttelli, the Defendant's girlfriend, presents statements to the Court.

The Defendant stipulates to restitution in the amount of \$2,956.01.

Count(s) 1 (as amended): WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (AS AMENDED): ENDANGERMENT

Class 6 Undesignated Felony

A.R.S. § 13-1201, 13-604, 13-610, 13-701, 13-702, 13-707, 13-801, and 13-802

Date of Offense: July 29, 2011

Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence or execution of sentence and placing Defendant on Unsupervised Probation to be monitored by the Adult Probation Department (APD) in accordance with APD's Compliance Monitoring Standards:

Count 1 (as amended) Probation Term: 2 years

To begin May 27, 2014.

Conditions of probation include the following:

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 (as amended) - \$65.00 per month, beginning on a date to be determined.

RESTITUTION: Count 1 (as amended) - \$2,956.01.

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PROBATION SURCHARGE: Count 1 (as amended) - \$20.00 payable on a date to be determined.

Count 1 (as amended): Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on a date to be determined.

All amounts payable through the Clerk of the Superior Court.

Condition 18 - Count 1 (as amended): Be incarcerated in the county jail for 6 month(s), beginning May 27, 2014 with credit for 0 day(s) served.

Not to be released until November 26, 2014.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant shall participate in Work Furlough.

Condition 22: Other - The Defendant shall not have any contact with the victim; no possession or consumption of alcohol

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

Count(s) 1 (as amended): IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

The presentence investigation report is filed under this cause number.

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The Defendant orally moves to allow the Defendant to self-surrender to the jail.

IT IS ORDERED denying Defendant's oral motion to allow the Defendant to self-surrender to the jail.

IT IS ORDERED that this offense shall remain undesignated at this time.

9:39 a.m. Matter concludes.

**LATER:**

IT IS ORDERED setting a **Status Conference regarding Restitution** for **July 28, 2014 at 8:30 a.m.** in this Division.<sup>1</sup> The Defendant waives his presence.

IT IS FURTHER ORDERED that restitution shall be payable \$200.00 per month, beginning on a date to be determined, to the following persons:

Nicholas Flournoy    (Individual)    \$2,956.01

Restitution ledger provided; priority of payment as stated in the restitution ledger.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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<sup>1</sup> Effective June 30, 2014, Judge Fenzel will be assuming Judge Bergin's calendar.  
Docket Code 110

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. DAWN M. BERGIN  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)